

**AMENDMENTS TO THE DRAWINGS:**

The attached drawing includes amendments to FIG. 1. A replacement formal drawing is also enclosed for the convenience of the Patent Office.

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**REMARKS**

The drawings has been amended to conform to the specification, and to conform also to the underlying PCT application (copy enclosed). Independent claim 1 has been amended to clarify that a liquid electrolyte is used. Notwithstanding that a liquid electrolyte is used and is in direct contact with the anode, a separator is not required in the present invention. No new matter has been added.

The rejection of claims 1, and 3-6 under 35 USC §102(b) as being anticipated by Japanese Publication Application 2002/304996 to Nakahara is in error. Claim 1 requires, in part, "wherein the cathode contains an electrolyte having an electrolyte salt dissolved in a solvent, and is in direct contact with the anode." Nakahara fails to teach this claim feature. On page 6 of the Office Action, the Examiner contends "Nakahara clearly teaches that if a solid electrolyte is used a separator is not required" and "a cathode in combination with this solid electrolyte is in direct contact with the anode as required in the limitations of the claim." With regards to the solid electrolyte, Nakahara teaches with reference to FIG. 1, that "the separator 4 contain[s] an electrolyte." *See* Paragraph [0043]. Thus, the electrolyte that Nakahara discloses in paragraph 0050 is contained in the separator 4, not in the cathode, as required by claim 1. Therefore, the Examiner's rejection is in error.

Evidence and support for the distinctions between Nakahara and the subject application is present throughout the application. Specifically, in the paragraph bridging pages 3-4 of the specification Applicants teach that used with the cathode 4 is a PTMA electrode contained an electrolyte that is a mixture solvent. With a mixture solvent used as an electrolyte, the cathode "contains the electrolyte and is in direct contact with the anode," as claim 1 specifies.

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Additionally, in the paragraph bridging pages 6-7 of the specification, Applicants explain that the “cathode containing the nitroxyl polymer was impregnated with the electrolyte.” Thus, claim 1 is not limited a solid electrolyte that takes the place of a separator, as disclosed by Nakahara.

In addition, Applicants respectfully submit that the Examiner is misinterpreting the requirements of claim 1, namely the requirement of “wherein the cathode contains an electrolyte having an electrolyte solvent dissolved in a solvent, and is in direct contact with the anode.” This claim feature is explained in the specification, such as in the paragraph bridging pages 3-4 of the specification where Applicants teach, “an anode 3 consisted of lithium or a lithium alloy is in direct contact with a cathode 4.” Thus, the cathode is in direct contact with the anode and not “an electrolyte in direct contact with the anode” as the Examiner contends. Nakahara fails to disclose this direct contact between the cathode and the anode, and therefore the rejection of claim 1, and claims 3-6 which depend directly or indirectly on claim 1 is in error.

The rejection of claim 2 under 35 USC §103(a) as being unpatentable over Nakahara as applied to claim 1 and further in view of U.S. Patent No. 4,632,889 to McManis et al. also is in error. Claim 2 is directly dependent on independent claim 1. The deficiencies of Nakahara with respect to independent claim 1 are addressed above. Even assuming *arguendo* that the Examiner has correctly characterized the teachings of McManis et al., no combination of Nakahara and McManis et al. reasonably can be said to teach or render obvious claim 1, nor its dependent claim 2.

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The rejection of claim 3 under 35 USC §103(a) as being unpatentable over Nakahara as applied to claim 1 and further in view of U.S. Patent No. 6,090,506 to Inoue et al. also is in error. Claim 3 is directly dependent on independent claim 1. The deficiencies of Nakahara with respect to independent claim 1 are addressed above. Even assuming *arguendo* that the Examiner has correctly characterized the teachings of Inoue et al., no combination of Nakahara and Inoue et al. reasonably can be said to teach or render obvious independent claim 1, nor its dependent claim 3.

The rejection of claims 3 and 4 under 35 USC §103(a) as being unpatentable over Nakahara as applied to claim 1 and further in view of U.S. Patent No. 5,777,428 to Farahmandi et al. also is in error. Claims 3 and 4 are directly dependent on independent claim 1. The deficiencies of Nakahara with respect to independent claim 1 are addressed above. Even assuming *arguendo* that the Examiner has correctly characterized the teachings of Farahmandi et al., no combination of Nakahara and Farahmandi et al. reasonably can be said to teach or render obvious independent claim 1, nor its dependent claims 3 and 4.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

RCE fees are being paid via EFS WEB in the amount of \$810.00.

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In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being deposited with the United States Patent Office via the electronic filing procedure on February 8, 2010

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ANNOTATED MARKED-UP DRAWING

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## DRAWINGS

Figure 1

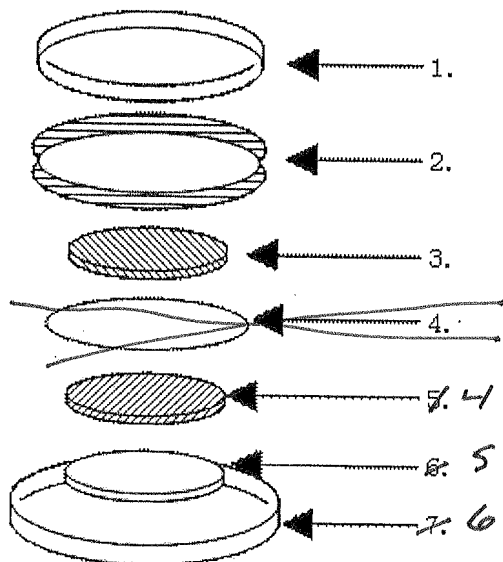


Figure 2

